

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:05CR00184 GH

BOBBY JOE MOORE

DEFENDANT

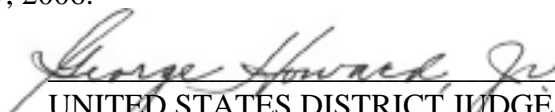
ORDER

Attached to this order is a letter from the defendant postmarked July 13th and received by the Court on July 17th in which he requests jail credit.

The following excerpt from the case of United States v. Pardue, 363 F.3d 695, 699 (8th Cir. 2004), explains why the Court cannot grant defendant the relief he requests:

Second, Pardue claims the district court should have given him credit for time served under 18 U.S.C. § 3585(b). Indeed, section 3585(b) calls for a defendant to be given such credit. However, this determination, as the district court correctly observed, is properly left to the Bureau of Prisons. United States v. Iversen, 90 F.3d 1340, 1344-45 (8th Cir. 1996) (noting the district court did not have authority under 18 U.S.C. § 3585(b) to credit the defendant for time spent in home detention during a previous sentence, and such a claim should first be presented to the Bureau of Prisons). A district court cannot apply section 3585(b) when sentencing, because computing “the credit must occur after the defendant begins his sentence.” United States v. Wilson, 503 U.S. 329, 333, 112 S.Ct. 1351, 117 L.Ed.2d 593 (1992). Administrative procedures exist within the Bureau of Prisons to review the Bureau's failure to credit the time Pardue has served, should such occur. See Rogers v. United States, 180 F.3d 349, 358 (1st Cir. 1999) (“Once administrative remedies are exhausted, prisoners may then seek judicial review of any jail-time credit determination, by filing a habeas petition under 28 U.S.C. § 2241.”) (citing Wilson, 503 U.S. at 335, 112 S.Ct. 1351; 28 C.F.R. §§ 542.10-542.16). The district court correctly left this credit calculation for time served issue to the Bureau of Prisons.

IT IS SO ORDERED this 20th day of July, 2006.


UNITED STATES DISTRICT JUDGE

DEAR,

Judge Howard JR.

I Am writing you Sir in reference to my JAIL time. I WAS Charged with Felon in poss. of A Firearm Back in Dec. 28, 2004.

Then, they indicted me in 7-19-05 AND put me ON house Arrest till Dec. 14, 2005. before detaining me till I WAS Sentence in 3-23-06.

I WAS told the Counsel At this U.S. P. Pohhock. In order to get your JAIL Credit, you have to write your Sentencing Judge. So Judge Howard JR. if you will Sir please grant me this JAIL Credit.

Your Kindness is
VERY APPRECIATED

Sincerely